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5 UNITED STATES DISTRICT COURT
6 CENTRAL DISTRICT OF CALIFORNIA

7 DANIEL POLLOCK,

8 Plaintiff,

9 vs.

10 LOS ANGELES COUNTY
11 SHERIFF'S DEPARTMENT,
COUNTY OF LOS ANGELES,
12 LEE BACA, MARVIN O.
CAVANAUGH, DENNIS H.
13 BURNS, ALEXANDER YIM,
DENNIS A. CONTE, SAMMY L.
14 JONES, DON RODRIGUEZ,
CAPT. ANTHONY WARD,
15 DETTA ROBERTS, MARC
KLUGMAN, DR. JOHN H.
16 CLARK, CAPT. ROD PENNER,
KENNETH J. BRAZILE, JOHN
17 DOE and TEN UNKNOWN
NAMED DEFENDANTS,
18 inclusive,

19 Defendants.

2008 DEC -4 21 14:02
VIA FAX
CV08-08002 SVW (SSX)
COMPLAINT

1. Deprivation of Civil Rights
 2. Conspiracy to Deprive Civil Rights
 3. Deprivation by Supervisors of Civil Rights
 4. Deprivation of Civil Rights under *Monell*, 42 U.S.C. § 1983, Civ. Code § 52.1
 5. Conspiracy to Deprive Civil Rights, 42 U.S.C. § 1983
 6. Deprivation of Civil Rights, 42 U.S.C. § 1983
 7. Deprivation of Civil Rights under *Monell*
 8. Deprivation by Supervisors of Civil Rights
 9. Deprivation of Civil Rights under *Monell*
 10. Conspiracy to Deprive Civil Rights, CC 52.1
 11. Medical Negligence
 - 12-16. Battery, False Imprisonment etc.
 17. Negligence
 18. Deprivation of Civil Rights, 42 U.S.C. § 1985
- DEMAND FOR JURY TRIAL

24
25 JURISDICTION AND VENUE

26 1. This is an action for redress for deprivations of constitutional rights
27 under 42 U.S.C. § 1983 *et seq.* and under California law, and the jurisdiction of
28 this court is invoked pursuant to 28 U.S.C. §§ 1331, 1343 and 1367.

PARTIES

2. Plaintiff Daniel Pollock, who makes this complaint, was an inmate at Twin Towers Correctional Facility I [TTCFI] or within the custody of the Los Angeles County Sheriff's Department [LASD] at all times herein alleged.

3. Plaintiff complied with state tort claim procedures, Gov. C. 910 etc.

4. Defendants, including but not limited to the Lee Baca ("BACA"), John Doe ("DOE") and Richard Roe ("ROE") were employed by the County of Los Angeles within the Los Angeles County Sheriff's Department ["LASD"].

5. Marvin O. Cavanaugh ("CAVANAUGH") was Assistant Sheriff in charge of overseeing the jails of the LASD and a policymaker and supervisor.

6. Dennis H. Burns ("BURNS") was Chief of the Custody Operations Division, ALEXANDER YIM ("YIM") was Chief of the Correctional Services Division, Dennis A. Conte ("CONTE"), Sammy L. Jones ("JONES"), and Don Rodriguez ("RODRIGUEZ"), were Commanders of the Custody Operations Division, Capt. Anthony Ward ("WARD") was the head of Twin Towers Correctional Facility [TTCF], MARC KLUGMAN, and DETTA ROBERTS ("KLUGMAN" and "ROBERTS", respectively) were Commanders of the Correctional Services Division, Capt. Rod Penner ("PENNER") was the head of the Medical Services Bureau [MSB], and Dr. John H. Clark ("CLARK") is the chief medical officer of the MSB and LASD, and all are policymakers and supervisors.

7. Defendant Lee Baca ("BACA") was at all material times a California police officer employed by the County of Los Angeles as Sheriff and the legal head and policymaker for the County of Los Angeles Sheriff's Department at all times during which time incidents occurred resulting in the deprivation of Plaintiff's constitutional rights, which are collectively and/or individually referred to herein as the INCIDENT, and was also both an individual and a supervisorial defendant.

1 8. Defendant Richard Roe was at all material times a supervisor of the
2 individual police officers involved in the seizure and beating of plaintiff described
3 herein.

4 9. The County of Los Angeles and the Los Angeles County Sheriff's
5 Department are governmental entities.

6 10. The County of Los Angeles defendants include all of the individual
7 defendants named herein, the County of Los Angeles, the Los Angeles County
8 Sheriff's Department, and the Office of the District Attorney for the County of Los
9 Angeles.

10 11. Defendants County of Los Angeles and the Los Angeles County
11 Sheriff's Department were at all times alleged herein an unincorporated association
12 and or a California governmental entity charged with and responsible for
13 appointing and promoting, the employees of the County of Los Angeles, and for
14 the supervision, training, instruction, discipline, control and conduct of said
15 employees. At all times alleged herein defendant LASD had the power, right and
16 duty to control the manner in which the individual defendants carried out the
17 objectives of their employment and to assure that all orders, rules, instructions, and
18 regulations promulgated were consistent with the United States Constitution, the
19 California Constitution, the laws of the United States, the laws of the State of
20 California, and the laws of the municipality.

21 12. At all times alleged herein defendant County of Los Angeles and the
22 LASD had the power, right and duty to control the manner in which the individual
23 defendants carried out the objectives of their employment and to assure that all
24 orders, rules, instructions, and regulations promulgated were consistent with the
25 United States Constitution, the California Constitution, the laws of the United
26 States, the laws of the State of California, and the laws of the municipality.

27 13. The unknown named defendants include unknown named sergeants
28 and lieutenants who acquiesced in the assault and battery of and use of excessive
force against Plaintiff, as is described below, unknown named lieutenants who

1 approved of the assault and battery of Plaintiff, and unknown named defendants
2 who participated in the conspiracy to assault and batter Plaintiff as a form of
3 punishment, and deprivation of Plaintiff's constitutional and human rights, and
4 unknown named employees of the County of Los Angeles and the LASD who
5 were policymakers who created, fostered, acquiesced, ratified and/or maintained
6 the policies, customs and/or practices that caused the deprivation of Plaintiff's
7 constitutional rights.

8 14. Plaintiff is ignorant of the true names and capacities of those
9 defendants named as Unknown Named Defendants or "Does" or "Roes", but
10 alleges that each such defendant was in some intentional or grossly negligent
11 manner responsible for his injuries. Plaintiff will amend this complaint to allege
12 the true names and capacities of said defendants when they become known.

13 15. Defendants, and each of them, did the acts and omissions alleged
14 herein in bad faith and with knowledge that their conduct violated well and clearly
15 established and settled law.

16 16. Each and every defendant who is a natural person is sued in both
17 his/her individual/personal capacity, as well as in his/her official capacity if he/she
18 had any policymaking duties, functions, or responsibilities with respect to the
19 matters alleged herein.

20 17. Plaintiff has imprisoned and under a disability continuously since
21 October 28, 2007.

22 18. At all times material herein, defendants, and each of them, were acting
23 as the employees, agents, representatives, and officers of every other defendant
24 herein, and within the course and scope of such employment and agency.

25 **FACTS COMMON TO ALL COUNTS**

26 19. Each and every allegation set forth in each and every averment of this
27 complaint hereby is incorporated by this reference in each and every other
28 averment and allegation and Count of this complaint.

1 20. The Plaintiff previously was deprived of interests protected by the
2 Constitution and/or laws of the United States of America and the State of
3 California, and each and every defendant caused, by commission or omission, such
4 deprivation while acting under color of law.

5 21. All acts and/or omissions perpetrated by each defendant, except any
6 governmental entity defendant or any defendant only in his/her official capacity,
7 were engaged in maliciously, callously, oppressively, wantonly, recklessly, with
8 deliberate indifference to the rights allegedly violated, despicably, and with evil
9 motive and/or intent, in disregard for the rights of each Plaintiff and others.

10 22. Any governmental entity defendant, policymaker, and/or supervisory
11 official, including, but not necessarily limited to Sheriff Baca, John Doe and
12 Richard Roe, knowingly, or grossly negligently, or with deliberate indifference to
13 the constitutional rights allegedly violated, caused to come into being, maintained,
14 fostered, condoned, approved of, acquiesced in, ratified, took no action to correct,
15 an official policy, practice, or custom of permitting the occurrence of the type of
16 wrongs set forth in this complaint, and/or improperly, inadequately, or with
17 deliberate indifference to the constitutional rights of persons, grossly negligently,
18 or with reckless disregard for constitutional rights, failed properly to train, to
19 supervise, to retrain, to monitor, or to take corrective action with respect to the
20 police and with respect to the types of wrongful conduct alleged in this complaint
21 against the police, including, but not limited to, the failure to train, to supervise, to
22 retrain, to monitor and to take corrective action with respect to the failure to
23 enforce the law of the State of California, the unconstitutional enforcement of local
24 ordinances and statutes, and the enforcement of unconstitutional ordinances and
25 statutes, so that each one of them is liable legally for all injuries and/or damage
26 and damages sustained by the Plaintiff pursuant to the legal principles set forth in
27 *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658
28 (1978), *Heller v. Bushey*, 759 F.2d 1371 (9th Cir. 1986), *cert. granted and rev'd on*
other grounds sub nom. City of Los Angeles v. Heller, 106 S.Ct. 1573 (1986), and

1 *Larez v. Gates*, 946 F.2d 630 (9th Cir. 1991), the content of all of which is
2 incorporated herein by this reference. All policymaker/supervisory defendants are
3 sued on these theories both in their individual/personal capacities as well as in their
4 official capacities. The term “policymaker/supervisory defendants” as used herein
5 includes persons and/or entities who are not alleged to have been physically at the
6 scene of the actual incidents and succeeding events set forth in this complaint. It is
7 also alleged that prior failures to investigate and to discipline the police
8 misconduct in this case all make the policymaker/supervisory defendants liable in
9 this case.

10 23. [Reserved]

11 24. The INCIDENT is the series of events and circumstances that
12 occurred on or about October 28, 2007, and thereafter, as more fully described in
13 this pleading.

14 25. When Plaintiff was an inmate at Twin Towers Correctional Facility
15 [TTCF] 241A during pill call plaintiff was talking to a female asian nurse about his
16 amoxicillin and asked the nurse if the medication would adversely affect his
17 immune system when a male white deputy, John Doe, said to him twice: you’re
18 holding up the freaking pill call line.

19 26. Plaintiff said that he was not holding up the pill line and the deputy
20 said in a rude, angry and aggressive voice “who the fuck do you think you’re
21 talking to?”

22 27. Plaintiff answered that he was talking to the nurse and the deputy,
23 John Doe, said “shut the fuck up.”

24 28. Plaintiff said to the deputy that he did not need to speak like that, after
25 which the deputy told plaintiff to put his hands in his pockets “when you’re talking
26 to me.”

27 29. Plaintiff complied, after which the deputy, John Doe, defendant,
28 precipitously assault plaintiff, grabbing him and yanked him out of the day room

1 into the entryway and commenced brutally, maliciously, viciously and sadistically
2 beating and battering plaintiff and forcing him to the floor like an animal.

3 30. Several deputies and/or correctional assistants rushed to the scene, and
4 joined in the unreasonable, merciless, vicious, shocking, sadistic beating and
5 thrashing of the Plaintiff as they and defendant John Doe proceeded to beat and
6 flog plaintiff.

7 31. As the deputies were beating plaintiff at least one of them yelled to a
8 nurse to "get the fuck back."

9 32. The deputies then handcuffed plaintiff after the initial assault and
10 continued to batter him; they then yanked him up by the handcuffs, causing
11 claimaint to suffer additional pain and suffering.

12 33. Plaintiff was in shock during and after the beating.

13 34. Plaintiff never resisted.

14 35. This (described above) was witnessed by numerous witnesses.

15 36. The deputies then took plaintiff to a rec room and continued beating
16 him with the handcuffs on.

17 37. A male Sergeant to whom the deputies brought plaintiff conversed
18 with plaintiff out of earshot of the deputies and asked plaintiff what happened.

19 38. Plaintiff began to explain what happened and the Sergeant interrupted
20 plaintiff and told plaintiff that that is why plaintiff should just always listen to the
21 deputies.

22 39. The Sergeant and some deputies then took plaintiff to a clinic.

23 39a. and cleaned him up and then took out a videocamera and told
24 plaintiff to state what happened.

25 40. Plaintiff was then taken to a room and then to the hospital, from which
26 he was returned the next day.

27 41. The deputies then took plaintiff to "Sergeant's Court" to cover up
28 their wrongdoing and put plaintiff in the "hole" for about 7 days.

42. Plaintiff was then taken to the hospital and underwent surgery.

1 42a. After he was returned to jail from surgery, which the LASD had
2 delayed deliberately, plaintiff was interviewed by a Sergeant who was allegedly
3 from Internal Affairs.

4 43. As a result of the beating and the negligent medical attention that
5 plaintiff received, plaintiff almost lost his eye, has permanent damage to his eye, is
6 cross-eyed, has terrible headaches, and has permanent physical, emotional and
7 mental injury, and may lose his eye yet.

8 44. The medical attention provided by defendants LASD, the Sheriff, the
9 Chief Medical officer for LASD, and the unknown physicians and nurses who
10 attended to plaintiff was below the standard of care; plaintiff should have been
11 operated on immediately after having been assaulted and beaten, but was returned
12 from the hospital.

13 45. Plaintiff should not have been released from the hospital and
14 transported back to jail on October 29, 2007, but should have remained at the
15 hospital upon admission.

16 46. Plaintiff exercised his right to free speech and was attacked for doing
17 so.

18 47. BACA and the LASD and the LASD en masse have and maintain and
19 enforce a policy of discriminating against inmates who exercise their right to free
20 speech by creating a climate of fear and oppression to squelch speech.

21 48. BACA and the LASD and the LASD en masse have and maintain and
22 enforce a policy of discriminating against inmates who exercise their right to free
23 speech by using force and excessive force against any inmate who exercises the
24 right to free speech for any reason.

25 49. BACA and the LASD and the LASD en masse have and maintain and
26 enforce a policy of discriminating against inmates who exercise their right to free
27 speech by using other inmates, including "shot-callers", including Mexican Mafia
28 shot-callers and other prison gang affiliated shot-callers to impose control over
other inmates through the use of fear, deprivation of use of telephones and

1 televisions, threats of exposure of personal information such as the criminal
2 charges they are facing, defamation of character (*e.g.*, labeling an inmate as a
3 “child-molester”), force, criminal threats (*see*, California Penal Code § 422),
4 homicides etc.

5 50. [Reserved]

6 51. Defendants later orchestrated the concealment and suppression of
7 exculpatory evidence by deliberately intimidating and tampering with witnesses,
8 falsifying reports and other records, lying to and concealing evidence from
9 superiors and others, making up false allegations and aspersions against plaintiff,
10 fabricating probable cause and perpetrating the code of silence throughout the
11 criminal enterprise called the Los Angeles County Sheriff’s Department, in
12 addition to acting in concert to prevent the existence of any real grievance process
13 by destroying inmate complaints, conspiring with inmates to intimidate inmates
14 from submitting inmate complaints, depriving inmates of inmate grievance forms,
15 in order to deprive inmates of due process of law and access to courts by means of
16 the Prison Litigation Reform Act, 42 U.S.C. § 1997e.

17 52. Defendants later produced false police reports falsifying the account
18 of the incident, in a conspiracy in order to engender the prosecution of Plaintiff in
19 order to, *inter alia*, shield themselves from criminal and civil liability for violating
20 the laws of the State of California and the United States of America and the civil
21 rights of the Plaintiff, and to foster and nurture the endemic “code of silence” that
22 is used by the defendants, BACA, and other, senior LASD personnel, to operate a
23 criminal enterprise under the aegis of the Los Angeles County Sheriff’s
24 Department throughout the Los Angeles County jail system.

25 53. Defendant Roe and others approved of, ratified and encouraged all of
26 the falsified reports in a conspiracy in order to engender the prosecution of Plaintiff
27 in order to, *inter alia*, shield themselves from criminal and civil liability for
28 violating the laws of the State of California and the United States of America and
the civil rights of the Plaintiff, and to foster and nurture the endemic “code of

1 silence” that is used by the defendants, Baca, and other, senior LASD personnel, to
2 operate a criminal enterprise under the aegis of the Los Angeles County Sheriff’s
3 Department throughout the Los Angeles County jail system.

4 54. [Reserved]

5 55. Despite the fact that the LASD, LACDA, the County of Los Angeles,
6 Baca and others knew, prior to October 29, 2007, that the individual defendant
7 deputies had on numerous occasions violated LASD rules, violated and deprived
8 the rights of numerous arrestees and citizens by, *inter alia*, using excessive and
9 unreasonable force against them, lying in police reports, committing perjury in
10 preliminary examinations and other court proceedings, lying in other official
11 documents, lying to superiors, lying to arrestees and citizens, concealing and
12 suppressing exculpatory evidence, fabricating and planting evidence, the
13 defendants turned a blind eye to this knowledge, failed to train the individual
14 defendant deputies, and were complicit in and allowed the individual defendant
15 deputies to further victimize numerous persons and to engage in all of the heinous
16 practices listed in this paragraph and in this pleading, including, but not limited to,
17 to lie, commit perjury, make false statements in official reports, lie to superiors and
18 other deputies, and to function as a cancer within the LASD, and they failed to
19 impose any meaningful discipline on the individual defendant deputies, covered up
20 his severe depredations and other sadistic and depraved conduct, they failed to
21 train him or to ensure that he followed LASD rules and policies, they allowed him
22 to flagrantly and brazenly violate LASD policies, resulting in their creating a de
23 facto policy approving, supporting, lending succor to, fostering and ratifying and
24 acquiescing in the illegal and tortious conduct of the individual defendant deputies,
25 resulting in the injuries suffered by the Plaintiff during the Incident and thereafter
26 and his being maliciously prosecuted and imprisoned.

27 56. Despite the fact that the LASD, LACDA, the County of Los Angeles,
28 BACA and all other policymakers knew, prior to October 29, 2007, that the
individual defendant deputies and other LASD deputies had on numerous

1 occasions violated LASD rules, violated and deprived the rights of numerous
2 arrestees and citizens by, *inter alia*, using excessive and unreasonable force against
3 them, lying in police reports, committing perjury in preliminary examinations and
4 other court proceedings, lying in other official documents, lying to superiors, lying
5 to arrestees and citizens, concealing and suppressing exculpatory evidence,
6 fabricating and planting evidence, the defendants turned a blind eye to this
7 knowledge, failed to train the individual defendant deputies and other deputies, and
8 were complicit in and allowed the individual defendant deputies and other deputies
9 to further victimize numerous persons and to engage in all of the heinous practices
10 listed in this paragraph and in this pleading, including, but not limited to, to lie,
11 commit perjury, make false statements in official reports, lie to superiors and other
12 deputies, and they failed to impose any meaningful discipline on the individual
13 defendant deputies and other deputies, covered up his severe depredations and
14 other sadistic and depraved conduct, they failed to train him or to ensure that he
15 followed LASD rules and policies, they allowed him to flagrantly and brazenly
16 violate LASD policies, resulting in their creating a de facto policy approving,
17 supporting, lending succor to, fostering and ratifying and acquiescing in the illegal
18 and tortious conduct of the individual defendant deputies, resulting in the injuries
19 suffered by the Plaintiff during the Incident and thereafter and his being
20 maliciously prosecuted and imprisoned.

21 57. The injuries suffered by Plaintiff, *e.g.*, being the object of the use of
22 excessive and cruel and unusual force that was inflicted upon the Plaintiff
23 maliciously and sadistically for the very purpose of causing harm and being
24 maliciously prosecuted without probable cause, were caused in part by the
25 longstanding LASD policy, practice and custom of having no available inmate
26 grievance procedure in TTCF and of ignoring inmate complaints, as, despite
27 having promulgated rules for the handling of inmate complaints, LASD deputies in
28 TTCF -- with the knowledge, acquiescence and ratification of defendants County
of Los Angeles, LASD, BACA, CAVANAUGH, BURNS, ALEXANDER YIM,

1 CONTE, Sammy L. Jones, Don Rodriguez, CAPT. ANTHONY WARD, MARC
2 KLUGMAN, DETTA ROBERTS, Capt. Rod Penner and Dr. John H. Clark --
3 routinely and customarily ignored and squelched meaningful inmate complaints
4 and destroyed the inmate complaint system and rendered unavailable any
5 administrative remedies in TTCF by, *inter alia*, (1) refusing to provide inmate
6 complaint forms to inmates who requested them, (2) informing inmate shot-callers,
7 typically members of California prison-based gangs such as the Mexican Mafia,
8 the Aryan Brotherhood and the Black Guerrilla Family, that an inmate had
9 requested a complaint form and that the filing of any complaint would result in the
10 deprivation of privileges such as television and telephones, which would result in
11 inmate shot-callers intimidating inmates into not filing inmate complaints, (3)
12 depriving entire modules of television and telephone privileges when an inmate
13 files an inmate grievance form and notifying other inmates, including but not
14 limited to inmate shot-callers, that the deprivation of inmate privileges such as
15 television and telephone resulted from the filing of an inmate grievance by a
16 particular inmate, which would result in reprisals against the inmate by other
17 inmates, (4) throwing inmate complaint forms in the trash, (5) failing to respond to
18 inmate complaints, preventing inmates from going through the appeal process for
19 inmate complaints set forth in the written inmate complaint rules, and subsequently
20 claiming that the inmate did not appeal the disposition of the inmate complaint, (6)
21 using the Prison Litigation Reform Act [PLRA] to defeat valid inmate civil rights
22 actions by falsely alleging that administrative remedies had not been exhausted.

23 58. The injuries suffered by Plaintiff, *e.g.*, being the object of the use of
24 excessive and cruel and unusual force that was inflicted upon the Plaintiff
25 maliciously and sadistically for the very purpose of causing harm and being
26 maliciously prosecuted without probable cause, were caused in part by the
27 longstanding LASD policy, practice and custom of having no available inmate
28 grievance procedure in TTCF and of ignoring inmate complaints, as, despite
having promulgated rules for the handling of inmate complaints, LASD personnel

1 in TTCF responsible for reviewing inmate complaints, such as Sergeants, -- with
2 the knowledge, acquiescence and ratification of defendants County of Los
3 Angeles, LASD, BACA, CAVANAUGH, BURNS, ALEXANDER YIM, CONTE,
4 Sammy L. Jones, Don Rodriguez, CAPT. ANTHONY WARD, MARC
5 KLUGMAN, DETTA ROBERTS, Capt. Rod Penner and Dr. John H. Clark --
6 routinely and customarily ignored and squelched meaningful inmate complaints
7 and destroyed the inmate complaint system by failing to review inmate complaints,
8 failing to read inmate complaints, failing to investigate inmate complaints,
9 acquiescing in, ratifying and approving of the practices described above, blindly
10 labeling inmate grievances "unfounded", and, *inter alia*, failing to follow the terms
11 of the published inmate grievance procedure.

12 59. The injuries suffered by Plaintiff, *e.g.*, being the object of the use of
13 excessive and cruel and unusual force that was inflicted upon the Plaintiff
14 maliciously and sadistically for the very purpose of causing harm and being
15 maliciously prosecuted without probable cause, were caused in part by the
16 longstanding LASD and County of Los Angeles policy, practice and custom (with
17 the full knowledge of, acquiescence in, approval of and ratification of defendants
18 BACA, CAVANAUGH, BURNS, ALEXANDER YIM, CONTE, Sammy L.
19 Jones, Don Rodriguez, CAPT. ANTHONY WARD, MARC KLUGMAN, DETTA
20 ROBERTS, Capt. Rod Penner and Dr. John H. Clark) of having no available
21 inmate grievance procedure in TTCF and of ignoring inmate complaints and of
22 attempting to and conspiring to use the sham published LASD inmate complaint
23 grievance procedure as a method of escaping liability by raising the Prison
24 Litigation Reform Act, 42 U.S.C. §§ 1997e *et seq.*, as a bar to the adjudication of
25 legitimate inmate civil rights actions under Title 42, United States Code, Section
26 1983, despite their knowledge that the LASD inmate grievance procedure in TTCF
27 and elsewhere was a sham, that LASD personnel in TTCF and elsewhere did not
28 follow the terms of the written inmate grievance procedure, and that LASD
personnel in TTCF and elsewhere actively conspired to and participated in

1 undermining the inmate grievance procedure by participating in, acquiescing in,
2 ratifying and approving of the practices described *supra*.

3 60. [Reserved]

4 61. [Reserved]

5 62. Defendants BACA AND ALL OTHER POLICYMAKERS and
6 unknown named defendants were instrumental in fostering the code of silence and
7 culture of fear and deprivation of constitutional rights on a systemic and
8 institutional basis by performing the duty of whitewashing all internal affairs
9 complaints and arrestee complaints of beatings of arrestees and like infractions
10 perpetrated by LASD police officers and employees, and did so in this case.

11 63. The Defendants and, possibly, other of the defendants furthered their
12 conspiracy to deprive Plaintiff of his civil and human rights by meeting, talking,
13 scheming, and combining by themselves and deciding that at least one of them
14 would testify falsely under oath if necessary to keep the arrests and search under
15 wraps.

16 64. [Reserved]

17 65. The defendants met alone with each other, and, possibly, with other,
18 unknown named defendants, and combined, conversed, and planned amongst
19 themselves and agreed, with knowledge that Plaintiff was deprived of his
20 constitutional rights, to participate in the continued perpetration of the actions that
21 resulted in the deprivation of the Plaintiff's constitutional rights, including, but not
22 limited to agreeing to fabricate police reports, to make false statements to other
23 police officers, to fabricate probable cause, to suppress exculpatory evidence, to
24 commit perjury, and to present planted evidence having as their goal the
25 conviction, punishment and imprisonment of Mr. Young, and there was the
26 commission of an overt act in furtherance of the conspiracy or conspiracies, e.g.,
27 the suppression of exculpatory evidence and falsification of the police reports
28 pertaining to the arrests and search authored by defendants, and approved by a
supervisory defendant.

1 66. [Reserved]

2 67. The illegal arrest/seizure of, use of excessive use of force against and
3 malicious and sadistic, for the very purpose of causing harm, use of force against
4 Plaintiff occurred, at least in part, because the LASD and its policymakers
5 had/condoned/acquiesced in/was deliberately indifferent to the existence of a
6 policy/implicit policy/practice/custom of using excessive force in arresting
7 inmates, maintaining the code of silence in the context of crimes committed and
8 enforcing their own code of silence within the LASD, and by failing to train police
9 officers in the correct and lawful methods of arrest; Defendants County of Los
10 Angeles and the LASD maintained and/or maintain a custom, policy or practice,
11 and or tacitly approved a custom, policy or practice of acquiescing
12 in/encouraging/fostering/being deliberately indifferent to/allowing/permitting and
13 recklessly and/or intentionally engaging in illegal arrest and seizure without legal
14 cause, justification or excuse, in the cruel and unusual use of excessive force
15 against inmates, in the malicious and sadistic -- for the very purpose of causing
16 harm -- use of excessive force against inmates.

17 68. Plaintiff sustained damage to his body in the form of bruises,
18 hematomas, scars, and damage to his psyche and his psychological and emotional
19 health as a result of being arrested and mercilessly beaten by the deputies at the
20 direction of and or with the knowledge and acquiescence of the other defendants.

21 69. Plaintiff still suffers from the symptoms of the injuries inflicted upon
22 them by the employees of the LASD.

23 70. The supervisory defendants negligently and recklessly supervised the
24 defendant police officers, negligently and recklessly hired and retained these
25 employees employed by the LASD, negligently and recklessly supervised LASD
26 employees, negligently and recklessly hired and retained persons for the positions
27 of police officer and higher ranks, *e.g.*, Sergeant, who had contact with persons
28 such as Plaintiff, negligently and recklessly supervised LASD employees who had
contact with persons such as Plaintiff, negligently, recklessly and intentionally

1 failed to maintain a citizen grievance system, and negligently, recklessly and
2 intentionally covered up, concealed and suppressed information revealing the
3 unconstitutional policies, practices and customs maintained by the LASD.

4 71. The defendants knew, or should have known, but for their reckless
5 and/or intentional disregard of the facts and circumstances herein described, with
6 substantial certainty that the conduct of the defendants in the INCIDENT would
7 subject Plaintiff to severe emotional distress and would seriously and substantially
8 harm Plaintiff, that defendants had power and control over Plaintiff, that Plaintiff
9 was in a special relationship with the defendants, that Plaintiff was and is
10 peculiarly susceptible to severe emotional distress, and defendants perpetrated the
11 acts described in this complaint with the intent to inflict such harm and severe
12 emotional distress upon Plaintiff and or acted in perpetrating the heinous, uncivil,
13 atrocious, and indecent acts described herein, with the knowledge that such harm
14 and severe emotional distress was substantially certain to befall Plaintiff as a result,
15 or with reckless disregard for the substantial certainty that such harm would befall
16 Plaintiff.

17 72. The defendants combined, met separately, conversed, planned
18 amongst themselves and, possibly, with other persons and unknown named
19 defendants, and there was an agreement or understanding between or among such
20 persons to engage in the conduct alleged herein to be wrongful, solely for the
21 purpose of maliciously and sadistically, for the very purpose of causing harm,
22 inflicting pain and suffering on Plaintiff, and there was the commission of an overt
23 act in furtherance of said conspiracy.

24 73. As a proximate result of the aforementioned acts and/or omissions of
25 defendants, and each of them, Plaintiff suffered and continues to suffer from
26 personal injuries, including but not limited to fear, inability to sleep, physical and
27 emotional pain, torment, degradation, fear, humiliation, anguish, anxiety,
28 embarrassment, and emotional distress, all proximately resulting in some

1 permanent impairment, disability and damage and he claims general damages for
2 such physical and mental pain in an amount to be shown according to proof.

3 74. As a result of the defendants' conduct, which was perpetrated
4 intentionally, recklessly, wantonly, oppressively, and or with reckless disregard for
5 the rights of Plaintiff and others, and which is so despicable that it is despised by
6 ordinary people, Plaintiff suffered all of the damages mentioned herein, including
7 humiliation, fear, feelings of degradation and helplessness, sleeplessness, anguish,
8 despair, fright, severe mental and emotional distress, depression, distrust, and
9 embarrassment in violation of his federal constitutional rights and his rights under
10 the laws of the State of California, and Plaintiff is entitled to punitive damages.

11 75. The defendants's conduct, described herein, was intentional,
12 malicious, unprivileged, despicable, outrageous, and so vile, base, contemptible,
13 criminal, miserable, wretched, and loathsome that it is looked down upon and
14 despised by ordinary decent people, and this conduct was directed at Plaintiff by
15 defendants with the intent that it would harm Plaintiff and cause Plaintiff to suffer
16 severe emotional distress and/or with reckless disregard of the probability of
17 causing Plaintiff to suffer severe emotional distress; defendants knew that Plaintiff
18 were peculiarly susceptible to extreme emotional distress because of his position of
19 helplessness; defendants were in a special relationship with Plaintiff because they
20 were in a position of power to take advantage of Plaintiff, as they did, increasing
21 the extreme emotional distress inflicted upon Plaintiff.

22 76. Plaintiff claims damages for personal injuries and emotional distress,
23 including, but not limited to severe and extreme emotional distress, serious
24 physical injury, mental anguish, shock, horror, grief, humiliation, frequent
25 nightmares, sleeplessness, anger, embarrassment, chagrin, worry and nausea, and
26 such emotional distress was so substantial and enduring that no reasonable person
27 in a civilized society should be expected to endure it, in an amount to be shown
28 according to proof. It is alleged that some or all of Plaintiff's injuries are of a
permanent nature.

77. Plaintiff incurred additional expense and obligation for bail and legal services, in an amount to be shown according to proof, as a result of the aforesaid wrongful conduct of defendants and others currently unknown to him.

78. Plaintiff claims punitive damages against each defendant, except for the governmental entity, for the purpose of punishing the defendants and deterring conduct of this type in the future.

79. In furtherance of the conspiracies to deprive Plaintiff of his constitutional rights the defendants met with each other with other, unknown named defendants, and combined, conversed, and planned amongst themselves and with other persons, and unknown named defendants and agreed, with knowledge that Plaintiff were being deprived of his constitutional rights, and agreed to the continued perpetration of the actions that resulted in the deprivation of the Plaintiff's constitutional rights, and there was the commission of an overt act in furtherance of the conspiracy or conspiracies.

80. As a proximate result of the aforesaid acts and omissions of defendants, and each of them, Plaintiff will in the future incur doctor, medical, psychiatric, pharmaceutical and incidental expenses, in an amount to be proven at time of trial.

81. The conduct perpetrated by defendants and the unknown named defendants - which shocks the conscience - was and is perpetrated wilfully, intentionally, oppressively, maliciously and sadistically and with evil design, with disregard for the rights of others and intent to harm and inflict pain and suffering and extreme emotional and mental distress on Plaintiff.

COUNT ONE

DEPRIVATION OF CONSTITUTIONAL RIGHTS –

FIRST/FOURTH/EIGHTH/FOURTEENTH AMENDMENTS - 42 U.S.C. § 1983 - CIVIL

CODE § 52.1

Against all Defendants

1 82. At the time of the incident set forth in the averments above, the rights
2 of persons within the jurisdiction of the United States of America under both
3 Amendment V and XIV to the United States Constitution to due process of law and
4 under the California Constitution to due process and to be free from unreasonable
5 search, seizure and force and cruel and unusual punishment and to freedom of
6 speech and the equal protection of the laws and under Amendment IV to be free
7 from unreasonable searches and seizures and excessive and unreasonable force,
8 under the Eighth Amendment to be free from cruel and unusual punishment and
9 under Amendment I to freedom of speech were in force and effect and the
10 individual defendants who engaged in conduct, as set forth above, who seized and
11 subjected Plaintiff to illegal arrest and unlawful seizure, to the use of excessive
12 force, and to cruel and unusual punishment, deprived Plaintiff of his constitutional
13 rights, which violated those rights, violated the fourteenth amendment to the
14 United States Constitution and did conspire to deprive Plaintiff of his rights and to
15 cover up the aforesaid constitutional deprivations which proximately caused the
16 severe and permanent injuries to Plaintiff, by attempting to fabricate and by
17 fabricating alleged facts to conceal their involvement in the illegal arrest of
18 Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or
19 concealing evidence, by agreeing to maintain a code of silence about the incident
20 to obfuscate the truth and hinder the discovery of the truth surrounding the illegal
21 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
22 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
23 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
24 furthered by toleration of the "code of silence" whereby one or more conspirators
25 purport(s) not to have perceived what occurred to Plaintiff (or statements and
26 admissions detrimental to defendants) or misrepresents the occurrence to favor an
27 accused law enforcement officer.

28 83. The aforementioned acts of the defendants, and each of them, support
the award of exemplary and punitive damages in an amount sufficient to punish

1 and make an example of the individual defendants. Said acts of the individual
 2 defendants and each of them were done knowingly, wilfully, and maliciously, and
 3 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
 4 of his constitutional rights and to cause his injury and loss of his rights. By reason
 5 thereof, Plaintiff requests that said defendants each be required to pay damages in
 6 an amount sufficient to deter others from these acts.

7 COUNT TWO

8 DEPRIVATION OF CONSTITUTIONAL RIGHTS –

9 FIRST/FOURTH/EIGHTH/FOURTEENTH AMENDMENTS - CONSPIRACY - 42 U.S.C. §

10 1983 AND CIVIL CODE § 52.1

11 Against all Los Angeles County Sheriff's Department Individual Defendants

12 84. At the time of the incident set forth in the averments above, the rights
 13 of persons within the jurisdiction of the United States of America under both
 14 Amendment V and XIV to the United States Constitution to due process of law and
 15 under the California Constitution to due process and to be free from unreasonable
 16 search, seizure and force and cruel and unusual punishment and to freedom of
 17 speech and the equal protection of the laws and under Amendment IV to be free
 18 from unreasonable searches and seizures and excessive and unreasonable force,
 19 under the Eighth Amendment to be free from cruel and unusual punishment and
 20 under Amendment I to freedom of speech were in force and effect and the
 21 individual defendants who engaged in conduct, as set forth above, who seized and
 22 subjected Plaintiff to illegal arrest and unlawful seizure, to the use of excessive
 23 force, and to cruel and unusual punishment, deprived Plaintiff of his constitutional
 24 rights, which violated those rights, violated the fourteenth amendment to the
 25 United States Constitution and did conspire to deprive Plaintiff of his rights and to
 26 cover up the aforesaid constitutional deprivations which proximately caused the
 27 severe and permanent injuries to Plaintiff, by attempting to fabricate and by
 28 fabricating alleged facts to conceal their involvement in the illegal arrest of
 Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or

1 concealing evidence, by agreeing to maintain a code of silence about the incident
 2 to obfuscate the truth and hinder the discovery of the truth surrounding the illegal
 3 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
 4 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
 5 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
 6 furthered by toleration of the "code of silence" whereby one or more conspirators
 7 purport(s) not to have perceived what occurred to Plaintiff (or statements and
 8 admissions detrimental to defendants) or misrepresents the occurrence to favor an
 9 accused law enforcement officer.

10 85. The aforementioned acts of the defendants, and each of them, support
 11 the award of exemplary and punitive damages in an amount sufficient to punish
 12 and make an example of the individual defendants. Said acts of the individual
 13 defendants and each of them were done knowingly, wilfully, and maliciously, and
 14 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
 15 of his constitutional rights and to cause his injury and loss of his rights. By reason
 16 thereof, Plaintiff requests that said defendants each be required to pay damages in
 17 an amount sufficient to deter others from these acts.

18 **COUNT THREE**

19 **DEPRIVATION OF CONSTITUTIONAL RIGHTS -**

20 **FIRST/FOURTH/EIGHTH/FOURTEENTH AMENDMENTS 42 U.S.C. § 1983 AND CIVIL**

21 **CODE § 52.1**

22 **Against all Los Angeles County Sheriff's Department Supervisorial**

23 **Defendants**

24 86. At the time of the incident set forth in the averments above, the rights
 25 of persons within the jurisdiction of the United States of America under both
 26 Amendment V and XIV to the United States Constitution to due process of law and
 27 under the California Constitution to due process and to be free from unreasonable
 28 search, seizure and force and cruel and unusual punishment and to freedom of
 speech and the equal protection of the laws and under Amendment IV to be free

1 from unreasonable searches and seizures and excessive and unreasonable force,
2 under the Eighth Amendment to be free from cruel and unusual punishment and
3 under Amendment I to freedom of speech were in force and effect and the
4 individual defendants who engaged in conduct, as set forth above, who seized and
5 subjected Plaintiff to illegal arrest and unlawful seizure, to the use of excessive
6 force, and to cruel and unusual punishment, deprived Plaintiff of his constitutional
7 rights, which violated those rights, violated the fourteenth amendment to the
8 United States Constitution and did conspire to deprive Plaintiff of his rights and to
9 cover up the aforesaid constitutional deprivations which proximately caused the
10 severe and permanent injuries to Plaintiff, by attempting to fabricate and by
11 fabricating alleged facts to conceal their involvement in the illegal arrest of
12 Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or
13 concealing evidence, by agreeing to maintain a code of silence about the incident
14 to obfuscate the truth and hinder the discovery of the truth surrounding the illegal
15 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
16 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
17 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
18 furthered by toleration of the "code of silence" whereby one or more conspirators
19 purport(s) not to have perceived what occurred to Plaintiff (or statements and
20 admissions detrimental to defendants) or misrepresents the occurrence to favor an
21 accused law enforcement officer.

22 87. The aforementioned acts of the defendants, and each of them, support
23 the award of exemplary and punitive damages in an amount sufficient to punish
24 and make an example of the individual defendants. Said acts of the individual
25 defendants and each of them were done knowingly, wilfully, and maliciously, and
26 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
27 of his constitutional rights and to cause his injury and loss of his rights. By reason
28 thereof, Plaintiff requests that said defendants each be required to pay damages in
an amount sufficient to deter others from these acts.

COUNT FOUR**DEPRIVATION OF CONSTITUTIONAL RIGHTS -****FIRST/FOURTH/EIGHTH/FOURTEENTH AMENDMENTS - 42 U.S.C. § 1983 AND****CIVIL CODE § 52.1 - MONELL/MUNICIPAL LIABILITY****Against any and all Monell Defendants**

88. At the time of the incident set forth in the averments above, the rights of persons within the jurisdiction of the United States of America under both Amendment V and XIV to the United States Constitution to due process of law and under the California Constitution to due process and to be free from unreasonable search, seizure and force and cruel and unusual punishment and to freedom of speech and the equal protection of the laws and under Amendment IV to be free from unreasonable searches and seizures and excessive and unreasonable force, under the Eighth Amendment to be free from cruel and unusual punishment and under Amendment I to freedom of speech were in force and effect and the individual defendants who engaged in conduct, as set forth above, who seized and subjected Plaintiff to illegal arrest and unlawful seizure, to the use of excessive force, and to cruel and unusual punishment, deprived Plaintiff of his constitutional rights, which violated those rights, violated the fourteenth amendment to the United States Constitution and did conspire to deprive Plaintiff of his rights and to cover up the aforesaid constitutional deprivations which proximately caused the severe and permanent injuries to Plaintiff, by attempting to fabricate and by fabricating alleged facts to conceal their involvement in the illegal arrest of Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or concealing evidence, by agreeing to maintain a code of silence about the incident to obfuscate the truth and hinder the discovery of the truth surrounding the illegal arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was furthered by toleration of the "code of silence" whereby one or more conspirators

1 purport(s) not to have perceived what occurred to Plaintiff (or statements and
2 admissions detrimental to defendants) or misrepresents the occurrence to favor an
3 accused law enforcement officer.

4 **COUNT FIVE**

5 **DEPRIVATION OF CONSTITUTIONAL RIGHTS AND CONSPIRACY TO DEPRIVE CIVIL** 6 **RIGHTS – FIRST/FOURTH/SIXTH/EIGHTH/FOURTEENTH AMENDMENTS - 42 U.S.C.**

7 **§ 1983 AND CIVIL CODE § 52.1**

8 **Against all Defendants**

9 89. At the time of the incident set forth in the averments above, the rights
10 of persons within the jurisdiction of the United States of America under both
11 Amendment V and XIV to the United States Constitution to due process of law and
12 under the California Constitution to due process and to be free from unreasonable
13 search, seizure and force and cruel and unusual punishment and to freedom of
14 speech and the equal protection of the laws and under Amendment IV to be free
15 from unreasonable searches and seizures and excessive and unreasonable force,
16 under the Sixth Amendment to a fair trial, under the Eighth Amendment to be free
17 from cruel and unusual punishment and under Amendment I to freedom of speech
18 and to seek redress in court for grievances and under Amendment XIV to be free
19 from malicious prosecution were in force and effect and the individual defendants
20 who engaged in conduct, as set forth above, who seized and subjected Plaintiff to
21 illegal arrest and unlawful seizure, to the use of excessive force, and to cruel and
22 unusual punishment, and maliciously prosecuted Plaintiff deprived Plaintiff of his
23 constitutional rights, which violated those rights, violated the fourteenth
24 amendment to the United States Constitution and did conspire to deprive Plaintiff
25 of his rights and to cover up the aforesaid constitutional deprivations which
26 proximately caused the severe and permanent injuries to Plaintiff, by attempting to
27 fabricate and by fabricating alleged facts to conceal their involvement in the illegal
28 arrest of Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or
concealing evidence, by agreeing to maintain a code of silence about the incident

1 to obfuscate the truth and hinder the discovery of the truth surrounding the illegal
 2 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
 3 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
 4 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
 5 furthered by toleration of the "code of silence" whereby one or more conspirators
 6 purport(s) not to have perceived what occurred to Plaintiff (or statements and
 7 admissions detrimental to defendants) or misrepresents the occurrence to favor an
 8 accused law enforcement officer.

9 90. The aforementioned acts of the defendants, and each of them, support
 10 the award of exemplary and punitive damages in an amount sufficient to punish
 11 and make an example of the individual defendants. Said acts of the individual
 12 defendants and each of them were done knowingly, wilfully, and maliciously, and
 13 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
 14 of his constitutional rights and to cause his injury and loss of his rights. By reason
 15 thereof, Plaintiff requests that said defendants each be required to pay damages in
 16 an amount sufficient to deter others from these acts.

17 **COUNT SIX**

18 **DEPRIVATION OF CONSTITUTIONAL RIGHTS –FIRST/FOURTH/SIXTH/EIGHTH AND** 19 **FOURTEENTH AMENDMENTS - 42 U.S.C. § 1983 AND CIVIL CODE § 52.1**

20 **Against all Defendants**

21 91. At the time of the incident set forth in the averments above, the rights
 22 of persons within the jurisdiction of the United States of America under both
 23 Amendment V and XIV to the United States Constitution to due process of law and
 24 under the California Constitution to due process and to be free from unreasonable
 25 search, seizure and force and cruel and unusual punishment and to freedom of
 26 speech and the equal protection of the laws and under Amendment IV to be free
 27 from unreasonable searches and seizures and excessive and unreasonable force,
 28 under the Sixth Amendment to a fair trial, under the Eighth Amendment to be free
 from cruel and unusual punishment and under Amendment I to freedom of speech

1 and to seek redress in court for grievances and under Amendment XIV to be free
2 from malicious prosecution were in force and effect and the individual defendants
3 who engaged in conduct, as set forth above, who seized and subjected Plaintiff to
4 illegal arrest and unlawful seizure, to the use of excessive force, and to cruel and
5 unusual punishment, maliciously prosecuted Plaintiff, and used the LASD inmate
6 grievance procedure, which existed at TTCF and elsewhere in name only, as a tool
7 to deprive the Plaintiff and other inmates of their constitutional rights, conspired to
8 deprived Plaintiff of his constitutional rights, which violated those rights, violated
9 the fourteenth amendment to the United States Constitution and did conspire to
10 deprive Plaintiff of his rights and to cover up the aforesaid constitutional
11 deprivations which proximately caused the severe and permanent injuries to
12 Plaintiff, by attempting to fabricate and by fabricating alleged facts to conceal their
13 involvement in the illegal arrest of Plaintiff and the illegal prosecution of the
14 Plaintiff, by suppressing and or concealing evidence, by agreeing to maintain a
15 code of silence about the incident to obfuscate the truth and hinder the discovery of
16 the truth surrounding the illegal arrest of Plaintiff and the illegal prosecution of the
17 Plaintiff, and by agreeing to confuse, cloud and falsify facts pertaining to the
18 assault of the Plaintiff in order to cover up the deprivation of Plaintiff's
19 constitutional rights. The conspiracy was furthered by toleration of the "code of
20 silence" whereby one or more conspirators purport(s) not to have perceived what
21 occurred to Plaintiff (or statements and admissions detrimental to defendants) or
22 misrepresents the occurrence to favor an accused law enforcement officer.

23 92. The aforementioned acts of the defendants, and each of them, support
24 the award of exemplary and punitive damages in an amount sufficient to punish
25 and make an example of the individual defendants. Said acts of the individual
26 defendants and each of them were done knowingly, wilfully, and maliciously, and
27 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
28 of his constitutional rights and to cause his injury and loss of his rights. By reason

thereof, Plaintiff requests that said defendants each be required to pay damages in an amount sufficient to deter others from these acts.

COUNT SEVEN

DEPRIVATION OF CONSTITUTIONAL RIGHTS –

FIRST/FOURTH/SIXTH/EIGHTH/FOURTEENTH AMENDMENTS - 42 U.S.C. § 1983

AND CIVIL CODE § 52.1 - *MONELL/MUNICIPAL LIABILITY*

Against any and all *Monell* Defendants

93. At the time of the incident set forth in the averments above, the rights of persons within the jurisdiction of the United States of America under both Amendment V and XIV to the United States Constitution to due process of law and under the California Constitution to due process and to be free from unreasonable search, seizure and force and cruel and unusual punishment and to freedom of speech and the equal protection of the laws and under Amendment IV to be free from unreasonable searches and seizures and excessive and unreasonable force, under the Sixth Amendment to a fair trial, under the Eighth Amendment to be free from cruel and unusual punishment and under Amendment I to freedom of speech and to seek redress in court for grievances and under Amendment XIV to be free from malicious prosecution were in force and effect and the individual defendants who engaged in conduct, as set forth above, who seized and subjected Plaintiff to illegal arrest and unlawful seizure, to the use of excessive force, and to cruel and unusual punishment, and maliciously prosecuted Plaintiff deprived Plaintiff of his constitutional rights, which violated those rights, violated the fourteenth amendment to the United States Constitution and did conspire to deprive Plaintiff of his rights and to cover up the aforesaid constitutional deprivations which proximately caused the severe and permanent injuries to Plaintiff, by attempting to fabricate and by fabricating alleged facts to conceal their involvement in the illegal arrest of Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or concealing evidence, by agreeing to maintain a code of silence about the incident to obfuscate the truth and hinder the discovery of the truth surrounding the illegal

1 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
 2 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
 3 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
 4 furthered by toleration of the "code of silence" whereby one or more conspirators
 5 purport(s) not to have perceived what occurred to Plaintiff (or statements and
 6 admissions detrimental to defendants) or misrepresents the occurrence to favor an
 7 accused law enforcement officer.

8 **COUNT EIGHT**

9 **DEPRIVATION OF CONSTITUTIONAL RIGHTS -**

10 **FIRST/FOURTH/SIXTH/EIGHTH/FOURTEENTH AMENDMENTS 42 U.S.C. § 1983**

11 **AND CIVIL CODE § 52.1**

12 **Against all Los Angeles County Sheriff's Department Supervisorial**

13 **Defendants**

14 94. At the time of the incident set forth in the averments above, the rights
 15 of persons within the jurisdiction of the United States of America under both
 16 Amendment V and XIV to the United States Constitution to due process of law and
 17 under the California Constitution to due process and to be free from unreasonable
 18 search, seizure and force and cruel and unusual punishment and to freedom of
 19 speech and the equal protection of the laws and under Amendment IV to be free
 20 from unreasonable searches and seizures and excessive and unreasonable force,
 21 under the Sixth Amendment to a fair trial, under the Eighth Amendment to be free
 22 from cruel and unusual punishment and under Amendment I to freedom of speech
 23 and to seek redress in court for grievances and under Amendment XIV to be free
 24 from malicious prosecution were in force and effect and the individual defendants
 25 who engaged in conduct, as set forth above, who seized and subjected Plaintiff to
 26 illegal arrest and unlawful seizure, to the use of excessive force, and to cruel and
 27 unusual punishment, and maliciously prosecuted Plaintiff, deprived Plaintiff of his
 28 constitutional rights, which violated those rights, violated the fourteenth
 amendment to the United States Constitution and did conspire to deprive Plaintiff

1 of his rights and to cover up the aforesaid constitutional deprivations which
 2 proximately caused the severe and permanent injuries to Plaintiff, by attempting to
 3 fabricate and by fabricating alleged facts to conceal their involvement in the illegal
 4 arrest of Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or
 5 concealing evidence, by agreeing to maintain a code of silence about the incident
 6 to obfuscate the truth and hinder the discovery of the truth surrounding the illegal
 7 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
 8 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
 9 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
 10 furthered by toleration of the "code of silence" whereby one or more conspirators
 11 purport(s) not to have perceived what occurred to Plaintiff (or statements and
 12 admissions detrimental to defendants) or misrepresents the occurrence to favor an
 13 accused law enforcement officer.

14 95. The aforementioned acts of the defendants, and each of them, support
 15 the award of exemplary and punitive damages in an amount sufficient to punish
 16 and make an example of the individual defendants. Said acts of the individual
 17 defendants and each of them were done knowingly, wilfully, and maliciously, and
 18 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
 19 of his constitutional rights and to cause his injury and loss of his rights. By reason
 20 thereof, Plaintiff requests that said defendants each be required to pay damages in
 21 an amount sufficient to deter others from these acts.

22 **COUNT NINE**

23 **DEPRIVATION OF CONSTITUTIONAL RIGHTS – FIRST/FOURTH/SIXTH/EIGHTH AND** 24 **FOURTEENTH AMENDMENTS - 42 U.S.C. § 1983 AND CIVIL CODE § 52.1**

25 **MONELL/MUNICIPAL LIABILITY**

26 **Against any and all Monell Defendants**

27 96. At the time of the incident set forth in the averments above, the rights
 28 of persons within the jurisdiction of the United States of America under both
 Amendment V and XIV to the United States Constitution to due process of law and

1 under the California Constitution to due process and to be free from unreasonable
2 search, seizure and force and cruel and unusual punishment and to freedom of
3 speech and the equal protection of the laws and under Amendment IV to be free
4 from unreasonable searches and seizures and excessive and unreasonable force,
5 under the Sixth Amendment to a fair trial, under the Eighth Amendment to be free
6 from cruel and unusual punishment and under Amendment I to freedom of speech
7 and to seek redress in court for grievances and under Amendment XIV to be free
8 from malicious prosecution were in force and effect and the individual defendants
9 who engaged in conduct, as set forth above, who seized and subjected Plaintiff to
10 illegal arrest and unlawful seizure, to the use of excessive force, and to cruel and
11 unusual punishment, maliciously prosecuted Plaintiff, caused the aforementioned
12 deprivations of the constitutional rights of the Plaintiff by perverting and
13 destroying the LASD inmate grievance procedure at TTCF and jail-wide, by
14 failing to have an inmate grievance procedure at TTCF and jail-wide, by propping
15 up the sham LASD inmate grievance procedure at TTCF and jail-wide, and, *inter*
16 *alia*, by using the LASD inmate grievance procedure, which was an inmate
17 grievance procedure in name only, as an implement to deprive inmates of their
18 constitutional rights, deprived Plaintiff of his constitutional rights, which violated
19 those rights, violated the fourteenth amendment to the United States Constitution
20 and did conspire to deprive Plaintiff of his rights and to cover up the aforesaid
21 constitutional deprivations which proximately caused the severe and permanent
22 injuries to Plaintiff, by attempting to fabricate and by fabricating alleged facts to
23 conceal their involvement in the illegal arrest of Plaintiff and the illegal
24 prosecution of the Plaintiff, by suppressing and or concealing evidence, by
25 agreeing to maintain a code of silence about the incident to obfuscate the truth and
26 hinder the discovery of the truth surrounding the illegal arrest of Plaintiff and the
27 illegal prosecution of the Plaintiff, and by agreeing to confuse, cloud and falsify
28 facts pertaining to the assault of the Plaintiff in order to cover up the deprivation of
Plaintiff's constitutional rights. The conspiracy was furthered by toleration of the

1 “code of silence” whereby one or more conspirators purport(s) not to have
2 perceived what occurred to Plaintiff (or statements and admissions detrimental to
3 defendants) or misrepresents the occurrence to favor an accused law enforcement
4 officer.

5 97. The aforementioned acts of the defendants, and each of them, support
6 the award of exemplary and punitive damages in an amount sufficient to punish
7 and make an example of the individual defendants. Said acts of the individual
8 defendants and each of them were done knowingly, wilfully, and maliciously, and
9 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
10 of his constitutional rights and to cause his injury and loss of his rights. By reason
11 thereof, Plaintiff requests that said defendants each be required to pay damages in
12 an amount sufficient to deter others from these acts.

13 **COUNT TEN**

14 **DEPRIVATION OF CONSTITUTIONAL RIGHTS – CIVIL CODE § 52.1**

15 **Against all Defendants**

16 98. At the time of the incident set forth in the averments above, the rights
17 of persons within the jurisdiction of the United States of America under both
18 Amendment V and XIV to the United States Constitution to due process of law and
19 under the California Constitution to due process and to be free from unreasonable
20 search, seizure and force and cruel and unusual punishment and to freedom of
21 speech were in force and effect and the individual defendants who engaged in
22 conduct, as set forth above, who subjected plaintiff to threats, intimidation, and
23 punishment because of his race, his exercise of his freedom of speech and his
24 mental illness, and who deprived Plaintiff of the due process of the law by
25 perpetrating all of the acts described herein, deprived Plaintiff of his constitutional
26 rights, which violated those rights, violated the fourteenth amendment to the
27 United States Constitution and his rights under the California Constitution and
28 Civil Code §52.1, and did conspire to deprive Plaintiff of his rights and to cover up
the aforesaid constitutional deprivations which proximately caused the severe and

1 permanent injuries to Plaintiff, by attempting to fabricate and by fabricating
 2 alleged facts to conceal their involvement in the illegal seizure of and use of force
 3 against Plaintiff and the illegal prosecution of the Plaintiff, by suppressing and or
 4 concealing evidence, by agreeing to maintain a code of silence about the incident
 5 to obfuscate the truth and hinder the discovery of the truth surrounding the illegal
 6 arrest of Plaintiff and the illegal prosecution of the Plaintiff, and by agreeing to
 7 confuse, cloud and falsify facts pertaining to the assault of the Plaintiff in order to
 8 cover up the deprivation of Plaintiff's constitutional rights. The conspiracy was
 9 furthered by toleration of the "code of silence" whereby one or more conspirators
 10 purport(s) not to have perceived what occurred to Plaintiff (or statements and
 11 admissions detrimental to defendants) or misrepresents the occurrence to favor an
 12 accused law enforcement officer.

13 81. The aforementioned acts of the defendants, and each of them, support
 14 the award of exemplary and punitive damages in an amount sufficient to punish
 15 and make an example of the individual defendants. Said acts of the individual
 16 defendants and each of them were done knowingly, wilfully, and maliciously, and
 17 with the intent to vex, annoy, harass and oppress Plaintiff because of his assertion
 18 of his constitutional rights and to cause his injury and loss of his rights. By reason
 19 thereof, Plaintiff requests that said defendants each be required to pay damages in
 20 an amount sufficient to deter others from these acts.

21 **COUNT ELEVEN**

22 **MEDICAL NEGLIGENCE**

23 **Against all Defendants**

24 114. Plaintiff realleges and incorporates here each and every allegation set
 25 forth in this pleading as if set forth here in full.

26 115. The LASD deputies, Sergeants, supervisors, and all policymakers
 27 including the Sheriff are negligent in their handling of the medical treatment for
 28 the plaintiff by: (1) returning plaintiff to jail on October 29, 2007, (2) failing to
 provide plaintiff medical attention during the time period prior to the surgery on or

1 about November 6, 2007, (3) keeping plaintiff in conditions inappropriate for
 2 someone who was injured as plaintiff was injured prior to and after the surgery, (4)
 3 failing to provide plaintiff with proper medication prior to and after the surgery, (5)
 4 failing to perform the surgery in a competent manner, including, but not limited to,
 5 failing to perform proper plastic surgery on plaintiff, failing to correct plaintiff's
 6 vision, and failing to correct the condition that results in plaintiff suffering from
 7 severe headaches.

8 **COUNTS TWELVE-SIXTEEN**

9 **BATTERY [12], ASSAULT [13], FALSE IMPRISONMENT [14], INTENTIONAL** 10 **INFLICTION OF EMOTIONAL DISTRESS [15], DEPRIVATION OF RIGHTS UNDER**

11 **CIVIL CODE § 52.1 [16]**

12 **Against all Defendants**

13 116. Plaintiff realleges and incorporates here each and every allegation set
 14 forth in this pleading as if set forth here in full.

15 117. For battery, assault, false imprisonment, negligence, intentional
 16 infliction of emotional distress of a mentally ill person, and deprivation of
 17 constitutional rights under Civil Code § 52.1, plaintiff seeks special and general
 18 damages, including punitive damages, within the jurisdiction of the superior court,
 19 as the conduct of the defendants was done knowingly, wilfully, and maliciously,
 20 and with the intent to vex, annoy, harass and oppress Plaintiff because of his
 21 assertion of his constitutional rights and to cause his injury and loss of his rights
 22 and was so despicable, vile, and depraved that it would be despised by ordinary
 23 people.

24 99. Because of the negligent and reckless conduct of the defendants, and
 25 all of them, the plaintiff, a mentally ill person, was not properly diagnosed, and
 26 was punished for being mentally ill, and, subsequently and resultantly, was
 27 charged with a disciplinary violation, was placed in disciplinary segregation and
 28 was found guilty of a disciplinary violation and was found guilty of a disciplinary

1 violation and punished, all in violation of the constitution of the State of California
2 and the Unruh Act and Civil Code § 52.1.

3 100. Further, these consequences befell the plaintiff because the County of
4 Los Angeles, the Los Angeles County Sheriff's Department, Sheriff BACA and all
5 other Policymakers, and the Board of Supervisors have a policy, custom and
6 practice of failing to properly care for mentally ill arrestees, failing to diagnose
7 mentally ill arrestees, failing to provide needed medication to mentally ill arrestees,
8 deliberately ignoring mentally ill arrestees, deliberately ignoring the fact that
9 certain arrestees are mentally ill, permitting employees and rogue deputies and
10 inmates to prey upon mentally ill arrestees by abusing them, taunting them,
11 terrorizing them, assaulting them, harming them, joking about them, isolating
12 them, using them as objects of derision and depravity, causing and acquiescing in
13 mentally ill inmates to become more ill, causing and acquiescing in mentally ill
14 inmates to not get treatment, and generally, failing to provide adequate and
15 reasonable medical care to inmates, and, specifically, mentally ill inmates.

16 101. The defendants, including the unknown named defendants, failed to
17 provide the plaintiff with any medication for plaintiff's mental illness.

18 102. The defendants, including the unknown named defendants, failed to
19 provide the plaintiff with the proper medication for plaintiff's mental illness.

20 103. The defendants, including the unknown named defendants and John
21 Doe, ignored the many indications that the plaintiff was mentally ill.

22 104. The defendants, including the unknown named defendants and John
23 Doe, ignored the many indications that the plaintiff was mentally ill, and failed to
24 conduct proper screening to determine the extent or type of the plaintiff's mental
25 illness.

26 105. The defendants, including the unknown named defendants and John
27 Doe, ignored the many indications that the plaintiff was ill, and failed to conduct
28 proper screening to determine the extent or type of the plaintiff's illness.

106. The defendants, including the unknown named defendants and John Doe, ignored the entreaties of the plaintiff that he be provided with medication and medical care.

COUNT SEVENTEEN

NEGLIGENCE

Against all Defendants

116. Plaintiff realleges and incorporates here each and every allegation set forth in this pleading as if set forth here in full.

117. For negligence plaintiff seeks special and general damages, within the jurisdiction of the superior court, as the conduct of the defendants, who owed a duty to plaintiff to protect him from harm and to not harm him, fell below the standard of care, as a result of which plaintiff suffered harm.

107. Because of the negligent and reckless conduct of the defendants, and all of them, the plaintiff, a mentally ill person, was not properly diagnosed, and was punished for being mentally ill, and, subsequently and resultantly, was charged with a disciplinary violation, was placed in disciplinary segregation and was found guilty of a disciplinary violation and was found guilty of a disciplinary violation and punished, all in violation of the constitution of the State of California and the Unruh Act and Civil Code § 52.1.

108. Further, these consequences befell the plaintiff because the County of Los Angeles, the Los Angeles County Sheriff's Department, Sheriff BACA and all other Policymakers, and the Board of Supervisors have a policy, custom and practice of failing to properly care for mentally ill arrestees, failing to diagnose mentally ill arrestees, failing to provide needed medication to mentally ill arrestees, deliberately ignoring mentally ill arrestees, deliberately ignoring the fact that certain arrestees are mentally ill, permitting employees and rogue deputies and inmates to prey upon mentally ill arrestees by abusing them, taunting them, terrorizing them, assaulting them, harming them, joking about them, isolating them, using them as objects of derision and depravity, causing and acquiescing in

1 mentally ill inmates to become more ill, causing and acquiescing in mentally ill
2 inmates to not get treatment, and generally, failing to provide adequate and
3 reasonable medical care to inmates, and, specifically, mentally ill inmates.

4 109. The defendants, including the unknown named defendants, failed to
5 provide the plaintiff with any medication for plaintiff's mental illness.

6 110. The defendants, including the unknown named defendants, failed to
7 provide the plaintiff with the proper medication for plaintiff's mental illness.

8 111. The defendants, including the unknown named defendants and John
9 Doe, ignored the many indications that the plaintiff was mentally ill.

10 112. The defendants, including the unknown named defendants and John
11 Doe, ignored the many indications that the plaintiff was mentally ill, and failed to
12 conduct proper screening to determine the extent or type of the plaintiff's mental
13 illness.

14 113. The defendants, including the unknown named defendants and John
15 Doe, ignored the many indications that the plaintiff was ill, and failed to conduct
16 proper screening to determine the extent or type of the plaintiff's illness.

17 114. The defendants, including the unknown named defendants and John
18 Doe, ignored the entreaties of the plaintiff that he be provided with medication and
19 medical care.

20 **COUNT EIGHT**

21 **DEPRIVATION OF CONSTITUTIONAL RIGHTS – FOURTEENTH AMENDMENT - 42**

22 **U.S.C. § 1983 AND 42 U.S.C. § 1985**

23 **Against all Defendants**

24 115. At the time of the incident set forth in the averments above, the rights
25 of persons within the jurisdiction of the United States of America under
26 Amendment XIV to the United States Constitution to due process of law were in
27 force and effect and the individual defendants who engaged in conduct, as set forth
28 above, who conducted an illegal seizure, beating and punishment of plaintiff, who
was a pretrial detainee, and who did so because of a discriminatory animus against

1 plaintiff because he is African-American and mentally ill, which violated those
2 rights, violated the fourteenth amendment to the United States Constitution and 42
3 U.S.C. § 1985, and and did conspire to deprive plaintiff of his rights and to cover
4 up the aforesaid constitutional deprivations which proximately caused the severe
5 and permanent injuries to plaintiff, by attempting to fabricate and by fabricating
6 alleged facts to conceal their involvement in the illegal search, by suppressing and
7 or concealing evidence, by agreeing to maintain a code of silence about the
8 incident to obfuscate the truth and hinder the discovery of the truth surrounding the
9 illegal search, and by agreeing to confuse, cloud and falsify facts pertaining to the
10 search in order to cover up the deprivation of plaintiff's constitutional rights. The
11 conspiracy was furthered by toleration of the "code of silence" whereby one or
12 more conspirators purport(s) not to have perceived what occurred to plaintiff (or
13 statements and admissions detrimental to defendants) or misrepresents the
14 occurrence to favor an accused law enforcement officer.

15 116. The aforementioned acts of the defendants, and each of them, except
16 the municipalities, support the award of exemplary and punitive damages in an
17 amount sufficient to punish and make an example of the individual defendants.
18 Said acts of the individual defendants and each of them were done knowingly,
19 wilfully, and maliciously, and with the intent to vex, annoy, harass and oppress
20 plaintiff because of her assertion of her constitutional rights and to cause her injury
21 and loss of her rights. By reason thereof, plaintiff requests that said defendants
22 each be required to pay damages in an amount sufficient to deter others from these
23 acts.

24 PRAYER

25 WHEREFORE, Plaintiff prays for judgment against these defendants, and
26 each of them, as follows:

- 27 1. For special or economic damages according to proof;
- 28 2. For general or noneconomic damages according to proof;
3. For punitive damages;

4. For declaratory relief;
5. For injunctive relief;
6. For reasonable attorney fees pursuant to Civil Code § 52.1 and 42 U.S.C. § 1988;
7. For plaintiff's costs of suit herein;
8. For such other and further relief as this Court deems just.

Dated: December 4, 2008

_____/s/_____
Jeff Price
Attorney for Plaintiff

DEMAND FOR JURY

The plaintiff demands trial by jury of all issues.

_____/s/_____
Jeff Price, Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

CV08- 8002 SVW (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Jeff Price SBN 165534
 1335 4th Street
 Santa Monica, California 90401
 T 310-776-8650
 E jeff.price@mac.com

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DANIEL POLLOCK,

PLAINTIFF(S)

CASE NUMBER

CV08-08002 SVW (SSx)

V.
 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, COUNTY OF LOS ANGELES, LEE BACA,
 MARVIN O. CAVANAUGH, DENNIS H. BURNS, ALEXANDER YIM, DENNIS A. CONTE, SAMMY
 L. JONES, DON RODRIGUEZ, CAPT. ANTHONY WARD, DETTA ROBERTS, MARC KLUGMAN,
 DR. JOHN H. CLARK, CAPT. ROD PENNER, KENNETH J. BRAZILE, JOHN DOE and TEN
 UNKNOWN NAMED DEFENDANTS, inclusive.

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Jeff Price, whose address is 1335 4th Street, Santa Monica, CA 90401. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: DEC - 4 2008

By: LA'REE HORN



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1192

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) DANIEL POLLOCK		DEFENDANTS LOS ANGELES COUNTY SHERIFF'S DEPARTMENT ET AL.	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Jeff Price SBN 165534 1335 4th Street Santa Monica, CA 90401; (310) 776-8650		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:35%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:45%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 42 U.S.C. SEC. 1983

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

CV08-08002

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	


- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  **Date** DECEMBER 4, 2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))